REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claim 91 has been amended. Claims 91-115 are pending.

35 U.S.C. §112

Claim 92 was rejected under 35 U.S.C. §112 as being indefinite. The Applicant has amended this claim as instructed by the Office. As the Examiner pointed out two words were inadvertently omitted from the claim. The words have been added in the present amendment. Applicants submit that this is not a narrowing amendment and that these two words would have been obvious to a reader (as they were to the Examiner). Thus, the amendment is truly cosmetic. Withdrawal of the rejection is respectfully requested.

35 U.S.C. §103(a)

Claims 92-115 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,431,989 to Beltzung et al (hereinafter, "Beltzung"). The Applicant respectfully disagrees.

Beltzung et al deals with blankets for lithographic printing. In lithographic printing the outer surface is not a release layer. Rather the ink layer that forms the image splits and a portion transfers to the final substrate.

This is in contrast to claim 92 in which the outer layer is a release layer. There is no teaching, nor would it have been obvious to use the structure of the reference with a release layer, since such layers are not generally used for lithographic printing.

Furthermore, claim 92 contains the limitation of "a *conforming* layer *substantially immediately beneath* the release layer..." The layer immediately beneath the lithographic layer (this is the only layer that could possibly be identified, albeit incorrectly, with the release layer of claim 1) is a *hard* layer of elastomer 2. As such, the hard layer would assure that the lower layers, no matter what their hardness, would not allow conformance of the surface with the surface against which it is pressed. The layers of Beltzung are compressible layers to avoid too much pressure on the paper substrate, but do not appear to apply conformance. Furthermore, since this hard rubber layer has substantial effects on the operation of the blanket, the layers of cellular rubber are not substantially immediately beneath the release layer as required by claim 1.

In addition, the Applicant submits that since the two layers 3 and 5 of Beltzung are separated by a layer of fabric which could not be considered as part of a conforming layer that "comprises a plurality of sub-layers each having a different Shore A hardness of less than 80." Thus, the layers 3 and 5 do not form sub-layers of a same conforming layer. In view of the fact that this structure is the main idea of the Beltzung patent there is no possibility of removing the fabric layer as being obvious.

Finally, there is no clear teaching in the reference of the conforming layers each having a Shore A hardness of less than 80, as required by claim 1.

The Examiner has rejected all of the claims as being obvious in view of Beltzung.

As to claims 93-95, 98, 99 and 104, these claims deal with the hardness of the various layers. Claims 107-110 deal with the thickness of the layers. The

Examiner indicated that these values are simply experimental modifications of the prior art to ascertain optimum operating conditions. However, the Examiner is believed to be incorrect in his application of this principle. Since the Beltzung patent deals with lithographic blankets, the variations that can be considered to be obvious are those that are consistent with this use. However, the characteristics that are claimed are for the purpose of providing optimum transfer members for toner images and especially for liquid toner images. There is no reason to believe that these values would be suitable for lithography which operates on entirely different principles than does liquid toner printing and requires substantially different characteristics for the transfer members.

It is noted that the thickness of the release layer as claimed is between 15-30 micrometers. The lithographic layer is indicated as being 200 microns (in the table). The Examiner has provided no motivation in Beltzung for changing this thickness.

It is noted that the thickness of each of the compressible sub layers is variously claimed to be 15-30 microns or for the harder layer, 70-85 microns for the softer layer and 100 for the plurality of sub layers. In Beltzung the thickness of each of the layers is said to be between 100 and 800 microns. The fabric layer, if it is considered to be part of the compressible layer, is said to be between 100 and 1000 microns. In the example in the table, the cellular layers are 450 microns for the harder layer and 500 microns for the softer layer. The fabric layer is 350 microns. Even if all the layers are only 100 microns thick, this would result in a total thickness of 300 microns. Making the layers thinner,

as claimed in the present invention, would tend to defeat the purpose of Beltzung, which is to provide substantial elasticity.

As to the hardness of the layers, applicants note that Beltzung does not mention the hardness of the layers, but speaks only of their elasticity. Thus, it is difficult to make a direct comparison. Applicants are searching for a conversion between the two metrics, however, applicants believe that there is no teaching of the specific harnesses claimed and that the hardness claimed would not be obvious for use in lithography.

Moreover, the Examiner has not indicated where in Beltzung some of the limitations of the dependent claims are present.

For example claims 111-112 provide for a conductive layer underlying the conforming layer. No such layer exists in Beltzung. There would be no reason to have one, given the purpose of Beltzung.

Claim 113 requires an additional layer with voids. This is identified in the present application as layer 120 of the base 116. It is noted that this base corresponds to a lithographic blanket body of the prior art and the layer 120 (when used in lithography) has the same functions as the layers with voids of the Beltzung reference. Thus claim 113 is seen to claim a third compressible layer, neither present in or obvious in view of Beltzung. As indicated, Beltzung teaches only the idea of splitting layer 120 into two, with fabric layer 118 (of the present application) between the two split parts. Beltzung does not teach a layer filled with voids *in addition* to the two layers claimed in claim 1.

Claims 114 and 115 claim that the intermediate member is adapted for use with toner or liquid toner. As indicated above the construction is just not suitable for liquid toner and probably not for powder toner as well.

In view of the fact that the listed dependent claims are not dealt with adequately in the action and are not *prima facie* obvious for the reasons given, the finality of the rejection is considered to be premature.

In the absence of such teaching, these claims, as indicated below, are not *prima facie* obvious.

In view of the above amendment and remarks applicants submit that the application should be in form for allowance. Even if the application is not in such form a new action should be issued which covers all of the items listed above, so that a proper appeal can be made for the final rejection.

Conclusion

All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the subject application. If any issues remain that prevent issuance of this application, the Examiner is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully submitted,

Dated: 6/28/5 By: _____

William J. Breen III
Reg. No. 45,313
(509) 324-9256 ext. 249